IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,	CR 15–31–M–DLC
Plaintiff,	
vs.	ORDER
RICHARD WAYNE STROH,	
Defendant.	

United States Magistrate Judge Jeremiah C. Lynch entered Findings and

Recommendation in this matter on January 26, 2016. Neither party objected and

therefore they are not entitled to *de novo* review of the record. 28 U.S.C. §

636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313

(9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm

conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Richard Wayne Stroh's guilty

plea after Stroh appeared before him pursuant to Federal Rule of Criminal

Procedure 11, and entered a plea of guilty to one count of conspiracy to distribute

methamphetamine in violation of 21 U.S.C. § 846 and 21 U.S.C. § 881(a)(11), as set forth in the Superseding Information. Defendant further admits to the forfeiture allegation. In exchange for Defendant's plea, the United States has agreed to dismiss the Indictment previously filed in this matter.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 39), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Richard Wayne Stroh's motion to change plea (Doc. 24) is GRANTED and Richard Wayne Stroh is adjudged guilty as charged in the Superseding Information.

DATED this 17th day of February, 2016.

Dana L. Christensen, Chief District Judge
United States District Court